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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MALEAH HARRIS,

Plaintiff,

v.

OREGON STATE UNIVERSITY, KIM
KIRKLAND, and CATHY
HASENPFLUG,

Defendants.

Case No. 3:20-cv-00069

(Multnomah County Circuit Court
Case No. 19CV51692)

DEFENDANTS' NOTICE OF REMOVAL OF
ACTION

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON, PORTLAND DIVISION**

In accordance with 28 USC §§ 1331, 1441, and 1446, defendants hereby give
notice of the removal of the action entitled *Maleah Harris v. Oregon State University,*
Kim Kirkland, and Cathy Hasenpflug, Case No. 19CV51692, pending in the Circuit Court of the

State of Oregon for the County of Multnomah (the "State Action") to the United States District Court for the District of Oregon (Portland Division).

BASIS FOR REMOVAL

1. On December 2, 2019, plaintiff filed a complaint asserting claims under the laws of Oregon and under the laws of the United States. Defendants' attorneys accepted service for all defendants on December 19, 2019. As of the date of this filing, defendants have not appeared in Multnomah County Circuit Court in this case.

2. This notice is timely filed within thirty days of service of the complaint. 28 USC § 1446(b).

3. The requirements of 28 USC § 1441 are satisfied because plaintiff has alleged claims under 42 USC § 1983 and 20 USC § 1681(A), which arise under the laws of the United States within the meaning of 28 USC § 1331.

4. This action may be removed to this court by defendants under the provisions of 28 USC § 1441 and according to the procedure in 28 USC § 1446.

5. Removal to this district and division is proper under 28 USC § 1441(a) because plaintiff filed her complaint in Multnomah County Circuit Court, although plaintiff would have properly filed her complaint in Benton County Circuit Court and defendants anticipate moving the court for an order transferring the case to the Eugene Division.

6. In accordance with 28 USC § 1446(a), a true and accurate copy of all process and pleadings on file with Multnomah County Circuit Court through the date of this notice are attached as Exhibit 1.

7. In accordance with 28 USC § 1446(d), promptly after filing this notice, defendants will (a) file a copy of this notice with the clerk of the Multnomah County Circuit Court and (b) give written notice of this notice of removal to plaintiff by serving it on the individuals listed on the certificate of service below.

WHEREFORE, defendants remove the above-entitled action now pending in the Circuit Court of Multnomah County, State of Oregon, to the United States District Court for the District of Oregon (Portland Division).

DATED this 13th day of January, 2020.

MILLER NASH GRAHAM & DUNN LLP

s/Michael Porter

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing defendants' notice of removal of action on the attorneys listed below on the date set forth below by the method(s) indicated:

Whitney B. Stark
J. Ashlee Albies
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- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☒ **E-mail.** E-mail copy, as a courtesy only.
- ☐ **Facsimile communication device.**
- ☒ **First-class mail, postage prepaid.**

DATED this 13th day of January, 2020.

s/Michael Porter
Michael Porter, OSB No. 003560

Of Attorneys for Defendants

4843-6674-4239.1